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OFFICE OF PETITIONS

MARTIN A FARBER
866 UNITED NATIONS PLAZA
SUITE 473
NEW YORK, NY 10017

In re Application of :
Bandemer et al. :
Application No. 09/308,314 :
Filed: CPA filed January 22, 2002 :
Attorney Docket No. 1996P80115WOUS(3446) :

ON PETITION

This is a decision on the petition filed March 26, 2002, to accord the CPA a filing date of January 22, 2002, instead of November 12, 2001.

The petition is **granted**.

37 CFR 1.10(c) states,

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
- (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

All of the above requirements have been met. Therefore, the CPA will be accorded a filing date of January 22, 2002.

The file is now being forwarded to Technology Center 1700 to take the following steps:

- (1) Change the filing date of the CPA to January 22, 2002,
- (2) Change the filing date of the request for a one month extension of time to January 22, 2002,
- (3) Charge petitioner's deposit account for a one month extension of time,
- (4) Change the attorney docket number to 1996P80115WOUS(3446) per the request contained in the CPA transmittal letter, and
- (5) Await a reply to the Final Rejection the Office mailed on March 4, 2002.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy